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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,202	01/15/2002	Yoichiro Ban	58824-US-AK/ci	3586
27572	7590	01/12/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			PAN, YUWEN	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			2682	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/053,202	BAN ET AL.	
	Examiner	Art Unit	
	Yuwen Pan	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/09/04 has been entered.
2. The examiner acknowledges that claim 9 is canceled without prejudice.

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-7, and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nonogaki (US006625478B1).

Art Unit: 2682

Per claims 1, 7, 8, 11, and 12, Nonogaki discloses a mobile terminal comprising: a receiver that receives an incoming call (see figure 1 and item 312), a camera that captures an image (figure 1 and item 200, column 4 and lines 10-14), a standby operation part that monitors the incoming call (figure 1 and item 308), a controller that controls an operational mode that has a camera-dedicated mode and a bifunctional mode (see column 1 and line 58-column 2 and line 2); a display that shows a mode selection menu so that the operational mode can be selected by a user (figure 1 and item 404), wherein the controller inhibits the standby operation part from monitoring the incoming call and allows the camera to capture the image while in the camera-dedicated mode, the controller allows the standby operation part to monitor the incoming call and allows the camera to capture the image while in the bifunctional mode, and the controller sets the camera-dedicated mode as the operational mode when the camera-dedicated mode is selected by user, and the controller sets the bifunctional mode as the operational mode when the bifunctional mode is selected by the user (see column 2 and lines 3-55).

Per claim 2, Nonogaki further teaches a radio environment measuring means for measuring a state of a radio environment that is involved in the standby operation, the control means prohibits the standby operation during the image capture operation when the radio environment measuring means detects that the radio environment involved in the standby operation is in a relatively bad state (see column 2 and lines 14-20).

Art Unit: 2682

Per claim 3, Nonogaki further teaches that a notification means for conducting a first notification operation, wherein the control means commands the notification means to carry out the first notification operation when the standby operation is prohibited (column 2 and lines 41-55).

Per claim 4-6, Nonogaki further teaches that the control means enables the standby operation when a second predetermined condition is satisfied when the radio environment measuring means detects a change in the state of the radio environment involved in the standby operation from the relatively bad state to a relatively good state and the control means commands the notification means to carry out a second notification operation when the standby operation is enabled (see column 3 and lines 12-41).

Per claim 13, Nonogaki further teaches that the controller functions as the image processor and the standby operation part and the receiver receives the incoming call through a wireless communication (see figure 1).

Allowable Subject Matter


5. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Maruyama doesn't expressly teach the notification operation includes clearing of a display of an antenna bar on the notification means.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
January 8, 2005


VIVIAN CHIN
SUPERVISOR PATENT EXAMINER
TECHNOLOGY CENTER 2600